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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,477	04/23/2001	Richard N. Cameron	ACNR-D00-023/01103-00/US	5743
89713	7590	09/28/2010		EXAMINER
		Accenture c/o Murabito, Hao & Barnes LLP		ADE, OGER GARCIA
		Two North Market Street, Third Floor		
		San Jose, CA 95113		
			ART UNIT	PAPER NUMBER
			3687	
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			09/28/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/840,477	CAMERON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	GARCIA ADE	3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 July 2010.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-9 and 69-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-9 and 69-76 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Response to Amendment***

1. Applicants' "Amendment" filed on **07.12.2010** has been considered. Applicants' amended **claims 7, 8, 9, 69-75**.

- **Claims 7-9, and 69-76** remain pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore [2003/0149662 A1] in view of Ali et al. [US 5,896,411] in view of Phillips Business Information Communications Standards News, and further in view of Business Editors and High-Tech Writers (hereafter Business) (March 2000).

**As per claims 7-9**, Shore discloses a system comprising;

- a vendor device having a display interface and electronically coupled to a computer having a wireless transmission port [as illustrated in figure 3 (e.g. **transmitted/received**), and see paragraphs 87-89];

- the transmission occurring via the wireless transmission channel port of the computer to a compatible wireless transmission channel port on a wireless mobile device (710) automatically when the wireless mobile device enters a transmission range of the wireless transmission channel port [via short range data transmission, and as illustrated in figure 6 (e.g. **eTicket System Software components**), and see paragraphs 75, 83, 102-116].

Shore also discloses the step of causing the wireless mobile device (3104) to interact wirelessly with the vendor device (3407) and a related micro payments accounting system [via micropayment system box (0470)]. The interaction with the related micro payments accounting system will cause the vendor device to provide a product or service to the holder of the wireless mobile device (via approval of **transaction using micropayment account 3203**).

Shore further discloses the interaction with a related micro payments accounting system will cause a charge to be made to the account of the holder of the wireless

mobile device [**box (0455)**], and/or a charge to be made to the account of the holder of the wireless mobile device produces a debit to a prepaid digital account or aggregates the debit with other current debits to be billed to the account holder at month end [**box (482)** via settlement procedures as per contractual agreements].

Shore however fails to explicitly disclose a program to take control of the wireless mobile device's menuing, interaction and display functions, and taking control of the wireless mobile device when the wireless mobile device enters a range of the product device.

Ali discloses an enhanced mechanism for the reverse link power control in a wireless communication system, especially for high speed data applications and fixed wireless communication applications, dynamically adjusts the power **control step size of the reverse link power control**. The power control step size is dynamically adjusted based on various factors including types of service, number of reverse supplemental code channels, total received power at the base station, estimated diversity gain and required mobility, among others. The system which includes stationary infrastructure, can query a subscriber unit's capability in the support of a pre-defined set of power control step sizes before assigning it to the subscriber unit. Furthermore, the subscriber unit may decide its optimized power control step size based on certain feedbacks from the system. Ali further discloses an enhancement to the ANSI EIA/TIA-95 system, such that it supports a variable subscriber unit power control step size and associated signaling in accord with this invention [see the abstract].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Ali in order to facilitate wireless communication operating within a respective service area, which includes a base station and provides wireless communication capability operating in its respective service area [see summary of the invention].

Phillips Business further discloses the Bluetooth SIG technology to enhance and promote that will 'enable a wireless world'. The Bluetooth SIG technology provide an easier way for a variety of mobile computing, communications and other devices to communicate with one another to make wireless connections to the Internet, and to take control of the wireless mobile device's menuing, interaction and display functions [see **page 2 of Phillips Business Information Communications**].

From this teaching of Phillips Business, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless information transfers of Shore-Ali to include a program that takes control of a user's mobile device as taught by Phillips Business Information Communications in order to provide an easier way for a variety of mobile computing, communications and other devices to communicate with one another and to make wireless connections.

Furthermore, Business discloses a Wireless Application Protocol (WAP) technology that allows a variety of handheld communication devices to connect to the Internet. WAP requires only that a simple "micro browser" be incorporated into the mobile phone or handheld computer, because the majority of all necessary functionality is built into the communication network. This technology provides a standard data

communication interface between WAP- enabled Web sites and handheld devices, thus expanding the reach of those sites. WAP is similar to .java in that it simplifies application development. This reduces the cost of wireless application development and therefore encourages entry to the mobile industry by software developers, such as Access point. When viewing a web site from a wireless device the user will see the information reformatted specifically to match the display format of the device being used.

Therefore, from this teaching of Business, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless information transfers of Shore to include a program that takes control of a user's mobile device as taught by Business in order to facilitate purchase of for example a can of coke from a vending machine, all with a cell phone.

**As per Computer-Readable Medium Claims 69-71, and 75,** they recite the similar limitations as claims 7-9 above. Therefore claims 69-71, and 75 are rejected under the same rationale and same basis using the previously cited references: Shore, Ali, Phillips Business Information Communications Standards News, Business Editors and High-Tech Writers.

**As per Method Claims 72-74, and 76,** they recite the similar limitations as claims 7-9 above. Therefore claims 72-74 and 76 are rejected under the same rationale and same basis using the previously cited references: Shore, Ali, Phillips Business Information Communications Standards News, Business Editors and High-Tech Writers

***Response to Arguments***

5. Applicants' arguments filed on **07.12.2010** have been fully considered but they are not persuasive.

Applicants argue that neither Shore nor Ali nor Phillips nor Business shows "a logic mechanism coupled to the computer and vendor device and configured to cause execution of a program to control a wireless mobile device's display functions to display the vendor device's display interface on the mobile device, the control occurring via the wireless transmission port of the computer and a compatible wireless transmission port on the wireless mobile device automatically in response to the wireless mobile device entering into transmission range of the computer's wireless transmission port, the vendor device's display interface comprising a listing of products offered through the vendor device". The Examiner respectfully disagrees. Shore discloses systems and methods to wirelessly pay for purchases, electronically interface with financial accounting systems, and electronically record and wirelessly communicate authorization transactions using Personal Digital Assistant ("PDA") (also referred to as Personal Intelligent Communicators (PICs), and Personal Communicators), palm computers, intelligent handheld cellular and other wireless telephones, and other personal handheld electronic devices configured with infrared or other short range data communications (for referential simplicity, such devices are referred to herein as "PDA's") [see summary of the invention].

Shore in view of Ali further discloses an enhanced mechanism for the reverse link power control in a wireless communication system, especially for high speed data applications and fixed wireless communication applications, dynamically adjusts the power **control step size of the reverse link power control** [see rejection above]. Ali further discloses that the base station establishes communications on both the forward link and reverse link with an SU [see Ali: summary of the invention].

Ali also discloses a wireless communication system, especially for high speed data applications and fixed wireless communication applications, dynamically adjusts the power control step size of the reverse link power control. The power control step size is dynamically adjusted based on various factors including types of service, number of reverse supplemental code channels, total received power at the base station, estimated diversity gain and required mobility, among others [see summary of the invention].

However, Phillips Business further discloses the Bluetooth SIG technology to enhance and promote that will 'enable a wireless world'. The Bluetooth SIG technology provide an easier way for a variety of mobile computing, communications and other devices to communicate with one another to make wireless connections to the Internet, and to take control of the wireless mobile device's menuing, interaction and display functions [see **page 2 of Phillips Business Information Communications**].

Furthermore, Business discloses a Wireless Application Protocol (WAP) technology that allows a variety of handheld communication devices to connect to the Internet. WAP requires only that a simple "micro browser" be incorporated into the

mobile phone or handheld computer, because the majority of all necessary functionality is built into the communication network.

The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately. The prior art differs from the claim by the substitution of some components. The substituted components were known. The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

Applicants' arguments having been found unpersuasive, the rejection has not been withdrawn.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARCIA ADE whose telephone number is (571)272-5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571.272.3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Matthew S Gart/

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